

Professional Services Bulletin - 2002 - No. 17

November 1, 2002

This "Professional Services Bulletin" is the official notice of professional services requested by the Indiana Department of Transportation (INDOT). You may submit statements of interest if you have qualifications data currently on file with INDOT's Consulting Services Unit or submit qualifications data with the statement of interest. A statement of interest must include a technical proposal, describing the capabilities and proposed method of completing the requested services.

Statements of interest must comply with the following requirements:

1. Submit statement of interest in a single sealed envelope.
2. Write the following information in the bottom left hand corner of the envelope containing the statements of interest:
 - a. "PSB - 2002 - No. 17"
 - b. Name of firm submitting statement of interest
 - c. Item number(s) for which the firm has enclosed the statement(s) of interest.
3. INDOT will not accept statements of interest sent collect or be responsible for the consultant's mailing and/or shipping costs.
4. For joint ventures, indicate the work and estimated percentage of the total project to be performed by each participant. If selected, all joint venture participants will be required to sign the INDOT consultant contract as wholly responsible parties.
5. Only statements of interest received by the Consulting Services Unit prior to **4:00 P.M., Indianapolis time, November 29, 2002**, will be given consideration. Statements of interest received after the deadline will be returned to the consultant unopened.

6. Send statements of interest to:

Jodi Williams
Program Coordinator
Consulting Services Unit
Indiana Department of Transportation
100 North Senate Avenue, Room N730
Indianapolis, Indiana 46204-2249
Telephone: (317) 232-5325

The Indiana Department of Transportation will ensure that all certified Disadvantaged Business Enterprises (DBE) will be afforded full opportunity to submit statements of interest and will not discriminate against any consultant on the grounds of race, color, religion, sex, disability, national origin, or ancestry in the selection process.

All consultants selected to provide services shall be required to comply with the following:

A. INDOT Disadvantaged Business Enterprise Program:

1. General

- a. Notice is hereby given to the consultant or subcontractor that failure to carry out the requirements set forth in 49 CFR, Part 26 shall constitute a breach of contract and, after notification, may result in termination of the contract or such remedy as the state deems appropriate.
- b. The referenced section requires the following policy and disadvantaged business enterprise (DBE) obligation to be included in all subsequent agreements between the consultant and any subcontractor:
 - (1) It is the policy of the Indiana Department of Transportation that disadvantaged business enterprises, as defined in 49 CFR Part 26, shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds under this contract. Consequently, the DBE requirements of 49 CFR Part 26 will apply to any contract entered into as a result of this "Professional Services Bulletin".
 - (2) The consultant agrees to ensure that disadvantaged business enterprises, as defined in 49 CFR Part 26, have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds provided under contracts with INDOT. In this regard, the consultant shall take all necessary and reasonable steps, in accordance with 49 CFR Part 26, to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts. The consultant shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of federally-assisted contracts.
 - (3) In accordance with the STURAA of 1987, women business enterprises (WBE) have been considered to be socially and economically disadvantaged; therefore the DBE program has been combined.
- c. As part of the consultant's equal opportunity affirmative action program, it is required that the consultant shall take positive affirmative actions and put forth good faith efforts to solicit statements of interest from and to utilize disadvantaged business enterprise subcontractors, vendors or suppliers.

2. Definitions

The following definitions apply to this section:

- a. “Disadvantaged Business Enterprise” or DBE means a for profit small business concern that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals, and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.
 - b. “Small Business Concern” means a small business concern as defined pursuant to section 3 of the Small Business Act and SBA regulations implementing it (13 CFR Part 121) that also does not exceed the cap on average annual gross receipts specified in 49 CFR Sec. 26.65(b).
 - c. “Socially and Economically Disadvantaged Individuals” means (i) any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis; or (ii) any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
 - (1) Black Americans which includes persons having origins in any of the Black racial groups of Africa;
 - (2) Hispanic Americans which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - (3) Native Americans which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
 - (4) Asian-Pacific Americans which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
 - (5) Subcontinent Asian Americans which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
 - (6) Women;
 - (7) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.
3. Subcontracts
- a. If the consultant intends to subcontract a portion of the work, the consultant is required to take affirmative actions to seek out and consider disadvantaged business enterprises as potential subcontractors prior to any subcontractual commitment.
 - b. The contracts made with potential disadvantaged business enterprise subcontractors and the results thereof shall be documented and made available to INDOT and the Federal Highway Administration when requested.
 - c. In those cases where the consultant originally did not intend to subcontract a portion of the work and later circumstances dictate subletting a portion of the contract work, the affirmative action contracts covered under paragraphs 3.a. and 3.b. of this section shall be performed.
 - d. No subletting will be approved until the consultant demonstrates compliance with paragraphs 3.a. and 3.b. of this section by submitting Form DBE-2 when subcontracts with non-DBE firms are proposed.
4. Affirmative Actions

The consultant agrees to establish and conduct a program which will enable disadvantaged business enterprises to be considered fairly as subcontractors and suppliers under this contract. In this connection the consultant shall:

- a. Designate a liaison officer who will administer the consultant's disadvantaged business enterprise program.
 - b. Ensure that known disadvantaged business enterprises will have an equitable opportunity to compete for subcontracts, so as to facilitate the participation of disadvantaged business enterprises.
 - c. Maintain records showing (1) procedures which have been adopted to comply with the policies set forth in this clause, including the establishment of a source list of disadvantaged business enterprises, (2) awards to disadvantaged business enterprises on the source list and, (3) specific efforts to identify and award contracts to disadvantaged business enterprises.
 - d. Cooperate with the state in any studies and surveys of the consultant's disadvantaged business enterprise procedures and practices that the state may from time to time conduct.
 - e. Submit periodic reports of subcontracting to known disadvantaged business enterprises with respect to the records referred to in subparagraph (3) above, in such form and manner and at such times as the state may prescribe.
5. Leases and Rentals
The consultant shall notify the Indiana Department of Transportation when purchases or rental of equipment (other than leases for hauling) are made with disadvantaged businesses. The information submitted shall include the name of the business, the dollar amount of the transaction, and the type of purchase made or type of equipment rented.
6. Your firm will not be considered a disadvantaged business enterprise (DBE) unless it is currently certified by the Indiana Department of Transportation. If you feel your firm qualifies, please contact Charlotte A. Leavell, Division Chief of the Civil Rights Division, Room N855 of the Indiana Government Center North, Indianapolis, Indiana 46204, to obtain the proper forms.

B. Drug-Free Workplace Certification

A certification is required by Executive Order No. 90-5, April 12, 1990, issued by the Governor of Indiana as a requirement on all contracts and grants with the state of Indiana in excess of \$25,000.00. No award of a contract or grant shall be made, and no contract, purchase order or agreement shall be valid unless and until a certification has been fully executed by the consultant and attached to the contract or agreement as part of the contract documents. False certification or violation of the certification may result in sanctions including, but not limited to, suspension of contract payments, termination of the contract or agreement and/or debarment of contracting opportunities with the state for up to three (3) years.

By signing the certification, which will be attached to the consultant contract, the consultant certifies and agrees that it will provide a drug-free workplace by:

- (a) Publishing and providing all employees engaged in the performance of the contract a statement notifying such employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the consultant's workplace and specifying the actions that will be taken against employees for violations of such prohibition;
- (b) Establishing a drug-free awareness program to inform such employees about (1) the dangers of drug abuse in the workplace; (2) the consultant's policy of maintaining a drug-free workplace; (3) any available drug counseling, rehabilitation, and employee assistance programs; and (4) the penalties that may be imposed upon an employee for drug abuse violations occurring in the workplace;

- (c) Notifying such employees in the statement required by subparagraph (a) above that as a condition of continued employment on the contract resulting from this solicitation, the employee will (1) abide by the terms of the statement; and (2) notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;
- (d) Notifying in writing the Indiana Department of Administration within ten (10) days after receiving notice under subdivision (c)(2) above, from an employee or otherwise receiving actual notice of such conviction;
- (e) Within thirty (30) days after receiving notice under subdivision (c)(2) above of a conviction, imposing the following sanctions or remedial measures on any employee who is convicted of drug abuse violations occurring in the workplace: (1) take appropriate personnel action against the employee, up to and including termination; or (2) require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency; and
- (f) Making a good faith effort to maintain a drug-free workplace through the implementation of subparagraphs (a) through (e) above.

Before any contract will be made, the consultant must agree to the above terms. A certification agreeing to such will be attached to each consultant contract which must be signed by the consultant.

C. Facilities Capital Cost of Money (September 1987)

- 1. Facilities capital cost of money will be an allowable cost under the contemplated contract, if the criteria for allowability in subparagraph 31.205-10(a)(2) of the Federal Acquisition Regulation are met. One of the allowability criteria requires the prospective contractor to propose facilities capital cost of money in its offer.
- 2. If the prospective Contractor does not propose this cost, the resulting contract will include the clause Waiver of Facilities Capital Cost of Money.

Selection of consultants by the Indiana Department of Transportation is not based on competitive bidding. Selections are based upon the following list of evaluation factors in order of their importance:

- 1. ability to complete the work in the time required and in accordance with State standards
- 2. staff personnel available for this project and the firm's existing work load
- 3. performance evaluations on similar work, if applicable
- 4. special or unique expertise
- 5. familiarity with the particular project
- 6. extent of work which will be subcontracted by the firm, proposed method of accomplishing the project objectives and commitment to subcontract to disadvantaged business enterprises.

All firms submitting a statement of interest in response to this Professional Services Bulletin will be notified after the consultant selection has been approved. **All firms submitting a statement of interest must provide 1 copy.**

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ITEM #1

Information and Services to be furnished by the consultant should include:

1. Purpose: To expeditiously undertake inspection, sampling, laboratory analysis, estimation of ACM (asbestos containing material), developing removal plan for INDOT facilities and structures within INDOT's rights-of-way (including bridges) that are scheduled for renovation or demolition.
2. The consultant shall proceed in accordance with the state's request to do any one, combination, or all of the following tasks:
 - a. **Asbestos Inspection**
 - (1) The asbestos inspector must be a Building Inspector that is accredited by IDEM as per Indiana Rule 326 IAC 18-3 (Accreditation; Asbestos Removal Personnel).
 - (2) The building inspector will be responsible for a review of the layout and plans of the facility or structure (if available).
 - (3) Inspect the facility or structure for friable materials and materials or products which are likely to contain asbestos.
 - b. **Sampling**
 - (1) Delineate homogeneous areas and develop a sampling plan for bulk sampling (or assume suspect material contains asbestos) in accordance with NESHAP (National Emission Standards for Hazardous Air Pollutants), and AHERA (Asbestos Hazard Emergency Response Act of 1986) to identify all friable or potentially friable material. The consultant will conduct a complete asbestos survey (internal and external) of each building/structure identifying locations, friability, type, amount, and physical condition (if appropriate) of ACM for eventual removal and disposal prior to the renovation or demolition activity.
 - (2) The inspection will be conducted to identify the number and locations of samples necessary to sufficiently characterize the areas, which contain potential ACM. Based on information obtained during the site inspections, a sampling and analysis plan will be designed to yield statistically valid conclusions regarding the location and amount of potentially friable and non-friable ACM. Sample selection will be accomplished by considering the number, size and types of homogeneous areas for each facility (sampling requirements under AHERA {Asbestos Hazard Emergency Response Act of 1986} should be followed except for those guidelines inappropriate for demolition). The three categories of ACM identified by U.S. EPA include surfacing materials, thermal system insulation and miscellaneous materials.
 - (3) Collect samples to be analyzed. Sampling technique should be conducted in such a manner as to minimize material damage resulting in asbestos dust releases.
 - (4) Assume asphalt roofing material, floor coverings and other category 1 non-friable materials contain asbestos and do not need sampling.
 - c. **Laboratory Analysis**

- (1) The samples shall be analyzed for asbestos, using PLM (polarized light microscopy) by an accredited laboratory. Only point count samples \leq 5.0%.

d. Report

- (1) From the inspection and sampling analyses, prepare a report that includes the following sections:
 - A. Separate brief summary of results for letting document.
 - B. Introduction - Include a description of the inspection, date of the inspection and the facilities inspected. Indicate amounts of regulated ACM to be removed, non-friable asbestos material to be removed before demolition (Category I and II), and non-friable asbestos material not to be removed before demolition (Category I and II). This will be recorded in lineal feet for pipes, surface area in square feet (sq. ft.) and total volume in cubic feet (cu. ft.) of RACM on or off facility components. Indicate notification requirements.
 - C. Methodology - Include the names of the inspectors, their Certified Building Inspector Certificate Number and expiration date, a description of the methodology of the inspection, the name of the analysis laboratory, a description of the sampling laboratory analysis, and a description of the QA/QC methodology.
 - D. Description of Sample Locations - For each structure/building include a detailed description of each homogeneous area of PACM noting the number and location of the samples. Photographs are encouraged.
 - E. Summary and Conclusions - Include the total number of samples collected from each homogeneous area, the total number of analyses reported by the lab (if two or more layers were sampled), and the results in tabular form including the total number of samples containing greater than 1% asbestos by weight from each structure/building. Indicate amounts of regulated ACM to be removed, non-friable asbestos material to be removed before demolition (Category I and II), and non-friable asbestos material not to be removed before demolition (Category I and II). This will be recorded in lineal feet for pipes, surface area in square feet (sq. ft.) and total volume in cubic feet (cu. ft.) of RACM on or off facility components.

e. Removal Plan

- (1) From the information obtained, prepare a removal plan for each structure/building that requires asbestos removal. This will eventually become a part of an asbestos removal contract. In the plan, indicate location, type, amount, and physical condition of RACM. Also include location, type and amounts of ACM that need not be removed as long as done appropriately as outlined in 326 IAC 14-10-2.
- (2) Sample Information Table - Include data for each sample including sample #, material, location, asbestos content, and estimated amount.
- (3) Asbestos Certification - Include a copy of the asbestos certification.

- (4) Analytical Results and Chain-of-Custody
- (5) Analytical Results and Point-Count Method - point count only $\leq 5\%$.
- (6) Analytical Results and Chain-of Custody Duplicate Samples
- (7) In a separate attachment, provide an estimate for the cost to remove the ACM that must be removed.

3. The consultant shall give INDOT thirty (30) days written notice before disposing of any samples. INDOT may elect to arrange for storage of the samples. If INDOT does not elect to arrange for storage, it will be the consultant's responsibility to safely dispose of the samples. The cost to dispose of the samples is to be included in the price of the tests. The consultant shall comply with all appropriate regulations/guidance concerning sampling, testing, storage, and disposal of samples.

Applicants must have all required certifications and training required for the above tasks. Payment for work will be monthly based upon completed, submitted and accepted tasks. Prospective PSB applicants should submit documentation showing ability to perform these services. This documentation should include evaluation factors for the selection team to complete the following selection criteria form.

SELECTION CRITERIA

The selection team will have two to three people who will determine one consensus score sheet per consultant. Statements of interest received by the stated time will be subject to an evaluation based on the following criteria. The selection team will use these criteria to create a short list of five (5) firms. Another selection team will then reevaluate the short list firms, using the same criteria. An individual interview with the short list firms maybe requested.

Scoring - Firm Name Project	Total Possible	Rater's Score
Organization of Project/Service Team - Are there a sufficient number of personnel with proper experience and are the right people doing the right job?	35	
Team Leader - How good is the education and experience of the proposed Team Leader with similar site conditions and services? Is the Team Leader Certified for asbestos inspection services?	15	
Qualifications of Remaining Staff - Qualifications and experience of the key personnel with similar site conditions and services.	10	
Past Performance (must be available for all firms, if no evaluation is available for even one firm, leave all at zero) The selection team can determine a score based on available evaluations or if an Evaluation Score is available, use the following guideline -	50	

If Evaluation score is 90 - 100 - then add 50 points If Evaluation score is 80 - 89 - then add 30 points If Evaluation score is 70 - 79 - then add 10 points If Evaluation score is less than 70, the firm is ineligible		
Effective and Efficient use of Staff - The evaluation will look at how efficiently and effectively staff are to be used to provide optimum operations.	10	
QA/QC Process - This will be an evaluation of the quality assurance/quality control program proposed for this service and how it applies to this project	10	
Location of where the firm will coordinate services	20	
Maximum Total Points	150	

Selection Team names: _____
 Date _____

The contract will be for two years. These contracts will utilize 100% state funding. Adequate funding is available for these agreements.